

### **REMARKS**

Applicants respectfully submit that the claims have been amended to more clearly point out the present invention. All the claims presently on file are in condition for allowance, which allowance is earnestly solicited.

### **THE CLAIMS**

#### **CLAIM OBJECTION**

Claim 6 was objected to for containing an informality. Claim 6 as amended satisfies the requirements of 35 USC 112.

#### **CLAIMS REJECTION UNDER 35 U.S.C. 102**

Claims 1-4, 8-9, 11-15, 19-20, and 22-24 were rejected under 35 U.S.C. 102(e) as being anticipated by Bacon et al. (U.S. Patent No. 6430538), hereinafter referred to as "Bacon").

Applicants traverse this rejection and respectfully submit that Bacon does not disclose all the elements and limitations of the rejected claims. Consequently, the claims on file are not anticipated under 35 U.S.C. 102, and the allowance of these claims is earnestly solicited. In support of this position, Applicants submit the following arguments:

### **A. Legal Standard for Lack of Novelty (Anticipation)**

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicants' position of non anticipation:

- "Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

### **B. Independent Claims 1, 12, and 23 in Light of Bacon**

With reference to representative claim 1, the Examiner indicates that Bacon discloses "based on examined information and organizational structure, determining an appropriate destination for the object at a lowest possible granularity level within the organizational structure (see column 10 lines 10-54 and figure 7; where the server identifies the next activity based on the business process and the just completed activity and pushes the object to the next necessary destination.)".

Applicants respectfully submit that Bacon describes assigning personal subworkflows to given participants, work group, or other workflow entities. However, Bacon does not include the methodology of determining the lowest possible granularity sub-group to assign the subflow / activity.

The present invention meets the need for the routing requirement of an object through an organization's workflow system. To this end, the system and associated method of the present invention can utilize, for example, the Systems Applications and Products (SAP) workflow technology so that whenever changes are made to an organization, they are automatically reflected in the workflow.

Since the SAP workflow is position-based, rather than person-based, the workflow routes do not need to be updated every time an employee is promoted or changes jobs, thus increasing the efficiency of the organization's sales, purchasing, and human resources, by implementing a single routing structure for all processes, across all applications, throughout the organization, worldwide. The ability to have an open, flexible routing method that reaches a low level of granularity within an organization or organizations improves productivity by sending the work items to specific recipients, and further improves the system and network performance by selectively sending only work items to those specific recipients as opposed to large groups of people.

Applicants have reproduced below, column 10 lines 10-54 that describe figure 7, which excerpts were relied upon by the examiner in support of the argument that Bacon discloses "determining an appropriate destination for the object at a lowest possible granularity level within the organizational structure". However, Applicants submit that these excerpts and illustration, do not provide any indication that Bacon refers to the "lowest possible granularity level".

"to navigate to a next or previous personal subflow activity.

In step 725 the participant performs the activity by filling out the HTML display, and then activates a user control such as next or previous.

In step 730 the server obtains the work item just sent to it as a result of activating the user control and forwards the work item to a decision point agent.

In step 735 the decision point agent uses the work item to determine which branch expression corresponds to the work item. This is possible because the work items are identified with a naming convention that identifies a given stage of completion of the work item within a workflow, and thus the decision point agent may map the name to a branch expression associated with the current activity.

In step 740 the decision point agent parses the expression in view of the work item contents and provides a true or false conclusion to the server.

In step 745 the server uses the true or false conclusion and interprets the work flow definition to determine which subsequent activity corresponds to a true conclusion and which corresponds to a false conclusion.

Based on the server's determination, the server in step 750 schedules a subsequent activity by identifying a corresponding work item and corresponding HTML display, if any. If the subsequent activity is another activity within the defined personal subflow the logic branches back to step 720, which will cause the logic to be repeated but will cause the loading of the newly-associated HTML page to be displayed in the open browser window frame. If the subsequent activity is not within the personal subflow, the personal subflow ends in step 799.

Under a preferred embodiment, the controls associated with a personal subflow are extended to include a "next" and a "back" control to navigate, respectively, to a subsequent activity of the personal subflow, or to a previous activity of the personal subflow. Under one embodiment of the invention, the "next" control causes the logic flow described above, i.e., evaluating of a branch expression to determine the specific activity to perform next, and the "back" control may be used to "roll-back" the update of a work item operation. ("Roll-backs" are known in the field of transaction processing.) Alternatively, the next and back controls may be used to update the work item contents and such information would then be used by the decision point agent in its branch expression." Bacon, column 10, lines 10-54."

Furthermore, the Examiner rejects claim 2 on the ground that: "[T]he method of claim 1, further including examining external information, if any, related to each parsed portion, to further determine the lowest possible granularity level of the object destination (see column 4 lines 39-57; where external activities are examined to determine the status of the workflow and the next possible activity.)."

Applicants respectfully submit that Bacon discloses determining the status of the workflow and the next possible activity. It states that "the engine 115 routes a given work item 117 to the appropriate actors, such as agents 120, ...". However, **Bacon does not examine or determine the lowest possible granularity level of the object destination.**

The Examiner further indicates that: "As per claim 4, Bacon et al. teach: The method of claim 3, wherein parsing the object into portions includes parsing the object into subsets of information (see column 9 lines 1-50; where workflow is parsed in to branches and subflows based on activities, object

attributes, and data or information contained in the workflow.)" Applicants respectfully submit that **Bacon's process routes to subflows**, whereas the method of **the present invention determines the agents to which subflows should be routed**. These two concepts are not analogous.

Consequently, based on the strict legal requirements of the anticipation standard, claim 1 is not anticipated by Bacon. As a result, claim 1 and the claims dependent thereon are allowable. In addition, independent claims 12 and 23 are allowable for containing a similar subject matter to that of claim 1. Therefore, claims 12 and 23 and the claims dependent thereon, are also allowable.

#### **CLAIMS REJECTION UNDER 35 U.S.C. 103**

Claims 5-7, 10, 16-18, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon, *supra*.

Applicants respectfully submit that the cited references do not disclose all the elements and limitations of the claims on file as a whole. Consequently, the claims on file are not obvious under 35 U.S.C. 103, and the allowance of these claims is earnestly solicited. The allowability of the rejected claims will now be discussed in view of representative claim 1.

Applicants agree with the Examiner that "[A]s per claims 5-7, Bacon does not expressly teach the specific data of "customer information", "customer credit information", and "country information".

As a result, in further view of the arguments presented earlier in support of the allowance of claim 1, Applicants respectfully submit that Bacon **does not consider the present invention as a whole**. The office action does not recite a secondary reference to supplement these missing elements. Rather, the Examiner states that: ". It would have been obvious, at the time of the invention, to incorporate the specific data of "customer information", "customer credit information", and "country information" to the Bacon et al. system in order to ensure the proper routing of work items, which is a goal of Bacon et al. (see column 1 lines 27-45)."

Reference is made to the following legal authority in support of the finding of non-obviousness:

**"In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103** is not whether the differences themselves would have been obvious, but **whether the claimed invention as a whole would have been obvious**. The prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the one-piece gapless support structure. "Because that insight was contrary to the understandings and expectations of the art, the structure effectuating it would not have been obvious to those skilled in the art." 713 F.2d at 785, 218 USPQ at 700."

The claims on file are thus not obvious in view of the cited references, and the allowance of these claims is earnestly solicited.

## **CONCLUSION**

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt

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for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

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Respectfully submitted,

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